

I appreciate the Commission allowing me to comment on Docket No. 12-268.

In this public notice for TV Spectrum Auctions, the Commission recognizes that low power television and television translator stations may be greatly impacted by repacking.

I feel the incentive auction is unnecessary because the claimed shortage of wireless spectrum has not been proven. The wireless industry is sitting on unused spectrum and simply wants to warehouse as much additional spectrum as possible while making inefficient use of the spectrum that it already has. There have been several studies indicating that the efficiency of wireless spectrum can be increased by as much as 1,000 times through the use of modern technology. Monopolization and elimination of competition are among the reasons that a few large companies have been demanding that spectrum be taken from television broadcasters and reallocated for wireless use.

All estimates of net revenue to be obtained by auctioning off television spectrum are grossly inflated, and the amount to be set aside as compensation for broadcasters is far less than the actual damages will be. It is quite possible that this auction process will result in a net loss to the government. It should not be the purpose of government to engage in speculative endeavors that, at best, would yield a paltry sum and, at worst, would increase the deficit.

Television broadcasting stations, whether full power or low power, serve the public interest, inform and entertain their viewers, provide employment and are an essential part of the fabric of the communities they serve. Wireless companies, being of national scope, can never match the services provided by broadcasters. Moreover, television broadcasters offer their signals free of charge to all within their range while wireless companies offer nothing that's truly free, in fact, charging all that the market will bear and typically using contracts of adhesion that bind their customers to long terms that cannot be shortened without high cancellation penalties.

As some others have written, I too, am concerned about the FCC conducting the incentive auction while simultaneously conducting a forward auction. This could result in a rush to reclaim spectrum at the expense of sound engineering practice as it relates to the protections afforded to broadcasters as outlined in the 'Spectrum Act.' I would suggest a 60-90 day wait period before beginning the forward auction. Transparency as it relates to impacted stations should be of highest importance during the auction process.

As an LDTV CP holder and station owner I am very concerned about the repercussions the auctions and repack will have on low power television. It's no secret that low power TV is in many ways a disadvantaged broadcast service monetarily speaking due to its secondary status and reluctance on the part of MVPDs to carry the stations and yet the service offers some of the most diverse programming available.

(1)

LPTV also offers one of the easiest entry points for minorities and women to own broadcast properties. But if any service is going to feel the full brunt of the repacking plan, certainly LPTV will. Low Power stations are secondary only in the sense that they must not cause interference to full power television stations. It was not within the contemplation of the station licensees, their investors, the financial institutions that financed them, their legal advisors, their consulting engineers, the Commission or any other person or entity that low power stations could be forced out of existence through an auction or any other scheme. Therefore any assistance the FCC can provide to low power TV during the repacking, ensuring that the relocation proceed in an orderly manner, is crucial.

If the Commission nevertheless moves ahead with its plans, then I hope that the Commission be fully involved in the relocation process of LPTV stations to other channels by identifying and/or assigning specific channels for displaced stations. If such an assignment is not satisfactory then the station can file an application along with the necessary exhibits requesting another open channel if one is available. For mutually exclusive applications I would recommend that the FCC either negotiate between the stations or offer an alternate channel should one be available.

It would extremely helpful if the Commission would extend the construction permit expiration date for all outstanding digital LPTV construction permits be extended to September 1, 2015 or at least until the repacking plan has been completed, whenever that happens. Previously the Commission extended the construction deadline for pre-2009 filed LPTV permits to convert to digital operation to September 1, 2015. Therefore, it appears to only make sense to across the board extend all outstanding construction permits for LPTV stations to the same September 1, 2015 or later, if need be. Otherwise, LPTV operators as faced with building out their digital LPTV permits and subsequently needing to build again on a different channel after the repacking of the TV spectrum or needing to go off the air.

LPTV operators are typically run by individuals, non-profit businesses, small businesses, schools, community groups, or churches. The prospect of building a station only to have to throw away that investment due to needing to change channel, antenna system, and transmitter is daunting to these small businesses. Therefore, it appears to only make sense for the Commission to extend LPTV construction permits to allow LPTV operators to modify to potentially different channels after the repacking takes place. This way the station only needs to be built once saving the group tens of thousands of dollars and being able to put this money into quality local programming.

(2)

I absolutely believe that now is the time for the FCC to remove the "back of the bus" status that low power TV has endured all these years as it relates to cable and MVPD carriage. Mandatory carriage is a must if LPTV is to survive. If nothing else, an LPTV station that loses some coverage of its over-the-air signal due to repacking and channel re-assigning and/or channel sharing should be compensated with mandatory carriage, at least on cable, with a provider in the station's COL (but not outside the low power station's COL).

We are deeply concerned that the FCC will shut down low-power television stations as a result of the proposed repack. The FCC should protect all LPTV stations. America needs and deserves more family-friendly community broadcasters. Nothing in the repacking provision should be construed to alter the spectrum usage rights of low-power television stations [Spectrum act 6403(b)(50)]. Congressman Joe Barton made clear that he never intended for the FCC to shut down any operating licensed LPTV broadcasters who were broadcasting according to the terms of their license. Please protect all licensed LPTV broadcasters!

I call on the FCC to seriously consider postponing the incentive auction and repacking until after broadcast television deploys the ATSC 3.0 standard. This new standard is crucial for the future of broadcast TV as it relates to multi-screen distribution as well as being able to offer either the same or enhanced services within a smaller slice of spectrum.

Finally, I am a licensed broadcaster and I have the legitimate expectation of the continued renewal of my license as long as I continue to fulfill the requirements of my license. To take my business away for the benefit of another business is wrong. Low-power TV stations that have operated in good faith and have complied with their license should be protected and kept on the air. The shutdown of my station or any of the many similar low-power TV stations across the country would mean an enormous loss for local communities that each of those stations serves a loss of jobs, a loss of access to community information, and a loss of a voice to many.

Thank you for your consideration.

James Lebrato
LPTV Licensee